



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17454 of 2017

1 SARAVANAKUMAR
2 SIVACHANDRAN

... PETITIONERS / ACCUSED Nos.1&2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO.380/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.R.MURUGESAN Advocate

For Respondent : Mr.K.S.DURAIPANDIAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

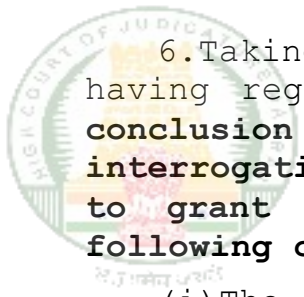
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 188, 504 and 505 (2) IPC in Crime No.380 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that even after knowing that the civil suit is pending in respect of land in question, the petitioners are constructing a temple in the said land. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that investigation is not yet been completed.

5.Considering the submissions made on either side, it seems that the case has been registered for the offence punishable under Sections 188, 504 and 505 (2). Admittedly, the petitioners and the de facto complainant are having civil dispute. On going through the particulars of offences registered against the petitioner, except Section 505(2) IPC, the other offences mentioned in the petition are bailable in nature.



6. Taking all the above said aspects into consideration, and having regard to the nature of offence, **this Court comes to the conclusion that in order to complete investigation, custodial interrogation is not necessary. Accordingly this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:-**

(i) The petitioner is granted anticipatory bail in the event of their arrest or on their surrender before the learned Judicial Magistrate, Pattukottai, Thanjavur District.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on their executing a bond for Rs.25,000/- with two sureties for like sum each to satisfaction of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

(iii) The petitioner is directed to appear before the respondent Police daily at 10.00 a.m. for a period of two weeks.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigation Officer.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled, and the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala (2005 AIR SCW 5560)**.

sd/-

04/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.D.R.MURUGESAN Advocate SR.No.117
JAM/08/01/2018/CM-VR/ SAR 4/ 2P-6C

ORDER

IN

CRL OP (MD) No.17454 of 2017

Date : 04/01/2018